

REMARKS

Applicant has carefully reviewed the Official Action dated January 6, 2010 for the above identified patent application.

The present Amendment is accompanied by a Petition for a one month extension of time, and the applicable fee for the requested extension of time.

Applicant initially notes that page 12, paragraph 9 of the Official Action states that the Official Action is a final action. However, the cover sheet of the Official Action indicates that the Official Action is a non-final action. Moreover, since the Official Action is the first response by the Patent and Trademark Office to the Request for Continued Examination (RCE) filed on December 17, 2009, Applicant therefore assumes that the reference to the Final Action at page 12, paragraph 9 of the Official Action is erroneous, and that the Official Action dated January 6, 2010 is, in fact, in non-final action.

On April 5, 2010, the undersigned Attorney for Applicant conducted a telephone interview with Examiner Hansen to discuss the outstanding Official Action dated January 6, 2010 for the present patent application. During the course of the telephone interview, the undersigned proposed several possible revisions to independent claims 1 and 6, subject to the

Applicant's approval, to further distinguish the claims over the prior art applied in the outstanding Official Action, and in particular, the Manzardo patent (U.S. Patent No. 3, 070, 235), the primary reference applied in the outstanding Official Action.

The undersigned proposed to add additional structure and structural arrangement to independent claims 1 and 6. As suggested in the outstanding, the undersigned proposed to revise the claims to replace "key hanging means" with "means for hanging keys", to provide the claims with the benefit of 35 U.S.C. Section 112, 6th paragraph.

The undersigned then discussed the differences in structure and structural arrangement between the device disclosed by the Manzardo patent and that disclosed by Applicant. The key box disclosed by Applicant provides a rear wall for supporting means for hanging keys, while the Manzardo patent discloses a device in which a separate rear wall is provided behind the means for supporting keys. Additionally, the means for hanging keys disclosed by Applicant is fixedly mounted to the rear wall in the assembled operating configuration of the key box, but is also removable from the rear wall. On the contrary, the means for hanging keys disclosed by Manzardo is displaceable in slots in which they are mounted in the assembled operating configurations of the disclosed devices. In the key box disclosed by Applicant, the top and bottom edges of panel sections 22, which define the rear wall, are substantially planar (except for the connecting studs and recesses) so that the rear wall is continuous when the panels are stacked atop each other in their assembled configuration. On the contrary, the Manzardo patent discloses that the top edges of the panels 107 (Figure 18) include upwardly directed

projections 108 at their opposed ends to define slots 109 between the top and bottom edges of adjacent stacked panels 107. Similarly, Figure 1 of Manzardo illustrates a supporting wall not formed from panels, but nonetheless defining slots 31. Therefore, no embodiment of Manzardo discloses a continuous wall for supporting the means for hanging keys.

The Examiner acknowledged the differences in structure and structural arrangement between the key box disclosed by Applicant and that disclosed by the Manzardo patent, and stated that amending the claims to include these features of the invention would advance the prosecution of this patent application. However, the Examiner indicated that he would need to review the specific revisions made to the claims in Applicant's formal response to the outstanding Official Action, before determining if the revised claims define patentable subject matter.

At page 2, paragraph 3 of the Official Action dated January 6, 2010, independent claims 1 and 21 have been rejected as being obvious over the Manzardo patent (U.S. Patent No. 3, 070, 235).

At page 6, paragraph 4 of the Official Action, independent claims 1 and 21 have been rejected as being obvious over Hsu patent (U.S. Patent No. 6, 474, 759).

At page 9, paragraph 6 of the Official Action, independent claim 6 has been rejected as being obvious over the Manzardo patent in view of the Chuan patent (U.S. Patent No. 5, 451, 102) and the Garton et al patent (U.S. Patent No. 5, 076, 454).

Applicant initially notes that of the prior art references applied to reject the independent claims, only the Manzardo patent is directed to means for hanging keys. The Hsu, Chuan, and Garton et al patents are directed to cabinet structures, but do not disclose key boxes or means for hanging keys. Independent claims 1, 6 and 21 have been amended to, inter alia, expressly recite “means for hanging keys”, as discussed by the Examiner at page 11, paragraph 7 of the outstanding Official Action. Applicant respectfully submits that the revision to the independent claims to recite “means for hanging keys” essentially eliminates the Hsu, Chuan, and Garton et al patents as relevant prior art references. Moreover, these 3 patents do not teach or suggest the structure and structural arrangement of the devices defined by Applicant’s independent claims 1, 6 and 21, as amended herein, and as discussed below. Therefore, the discussion of the prior art rejection of independent claims 1, 6 and 21 made in the outstanding Official Action, is directed to the Manzardo patent, the primary reference applied to reject the claims, and the only reference disclosing a device including means for hanging keys.

In response to the outstanding Official Action, and in accordance with the telephone interview with Examiner Hansen, Applicant has amended independent claims 1, 6, and 21 to more clearly define the nature of the claimed invention, and to further distinguish the claims over the prior art applied in the Official Action, and in particular, the Manzardo patent.

Newly added dependent claim 22 recites additional structure and structural arrangement of Applicant's claimed key box not taught or suggested by the applied prior art. Dependent claim 22 is supported at page 2, lines 2 – 9 of the original Specification, and by the original drawing Figure. The fee for the added dependent claim is enclosed.

The Specification has also been revised to provide express support for the revisions made to the independent claims. The revisions to the Specification are supported by the original drawing, which constitutes original disclosure to this patent application. Accordingly, the Specification can be properly revised to expressly recite features of the invention illustrated in the original drawing.

Applicant respectfully submits that independent claims 1, 6, and 21 now expressly recite structure and structural arrangement not taught or suggested by the prior art applied in the Official Action, particularly the Manzardo patent. Each of the independent claims now expressly recites "means for hanging keys" (instead of "key-hanging means"), and also expressly

recites that the means for hanging keys is supported directly by the rear wall. On the contrary, as discussed during the telephone interview with Examiner Hansen, the Manzardo patent provides means for supporting keys on an intermediate, and not a rear wall, of the assembled structure. Accordingly, Applicant's claimed devices require less components and less labor to assemble and construct.

Independent claim 6 also now recites that the top and bottom edges of the segments 22 forming the rear wall are substantially planar, resulting in a continuous rear wall when the segments 22 are stacked atop each other in an assembled configuration. On the contrary, the top edges of the panels 107 of Manzardo which form the wall which supports the key hanging means 32 (Figure 18 of the Manzardo drawing), include upwardly directed projections 108 at their opposed ends to define slots 109 between the top and bottom edges of the adjacent stacked panels 107. Similarly, Figure 1 of the Manzardo patent illustrates a supporting wall for the key hanging means 32, although not formed from separate panels, nonetheless defines slots 31 for receiving key hanging means 32. The slots 109 (Figure 18) and 31 (Figure 1) are essential to the Manzardo device because slots are necessary to permit the key hanging means to be mounted to the supporting wall, and to be displaced laterally within the slots. (See, for example, column 2, lines 36 – 41 and column 4, lines 44 – 60 of the Manzardo Specification). Accordingly, no embodiments disclosed by the Manzardo patent define a continuous wall for supporting the key hanging means, but each of the Manzardo embodiments includes longitudinal slots in the supporting wall for the key hanging means. Thus, the construction of the Manzardo devices to include the longitudinal slots for supporting the key hanging means is

significantly more labor intensive than the continuous rear supporting wall for the key hanging means disclosed and claimed by Applicant.

Independent claim 21 has also been revised to expressly recite that the means for hanging keys is fixedly mounted to the rear supporting wall in the assembled configuration of the key box, but is also removable therefrom. As illustrated by Applicant's drawing, the key rails 25 are mounted to the segments 22 forming the rear wall of the key box by rectangular perforations 24. Once the key rails are mounted to the segments 22, the key rails remain in a fixed position relative to the segments 22 when the key box is in its assembled configuration, although the key rails can be removed from the segments 22, if desired. On the contrary, the key hanging means 32 disclosed by the Manzardo patent are not fixedly mounted to the supporting wall but, on the contrary, are movable along the longitudinal slots 31 (Figure 1) and 109 (Figure 18) in the supporting wall for the key hanging means of the Manzardo devices in their assembled, operating configurations.

In addition to the arguments presented above regarding independent claim 1, Applicant notes that claim 1 also expressly recites that side walls (7, 8) and the door (13) consists of cut-to-length extruded profiles. Use of extruded material for forming the side walls and the door of the claimed key box results in economical advantages in the production of the claimed key box.

The use of cut-to-length extruded profiles for the side walls and the door, and the advantages resulting therefrom, are not disclosed or recognized by the Manzardo patent.

Independent claim 21 also recites that the side walls (7, 8) and the door (13) comprise cut-to-length continuous profiles which, in the region of the edges of the side walls (7, 8) facing away from the door (13), "...have vertically running guide grooves (18, 19) for receiving webs (20, 21) of the rear wall (22, 22), the guide grooves (18, 19) being engaged behind the webs (20, 21), ...". Contrary to this specific recitation in independent claim 21, the device disclosed by the Manzardo patent is not provided with webs (Figure 18). Moreover, as discussed above, the rear wall of the Manzardo patent is a separate structure provided behind the sections 107 which support the key hanging means 32. Accordingly, the lateral distal ends of the sections 107 of the Manzardo patent cannot be considered webs of the rear wall of the Manzardo device. Assuming arguendo that the distal ends of the sections 107 could be considered webs, a proposition with which Applicant disagrees, the guide grooves cannot be "engaged behind the webs" as specifically recited in independent claim 21, because the webs have plane side faces which extend out of the guide grooves.

Applicant respectfully submits that independent claims 1, 6 and 21, as amended herein, expressly recite structure and structural arrangement not taught or suggested by the Manzardo patent, or any of the other references applied in the Official Action to reject the claims.

Applicant respectfully submits that independent claims 1, 6, and 21 are in condition for allowance. The remaining dependent claims, which depend directly or indirectly from either independent claim 1 or independent claim 6, are allowable, at least for the same reasons as their respective parent independent claims.

Applicant respectfully submits that all claims are in condition for allowance, and favorable action is respectfully requested.

Enclosed is a Petition to extend the time for responding to the outstanding Official Action for one month, together with the applicable fee for the requested one month extension of time, and the fee for the newly added dependent claim.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M P Stone', with a long horizontal flourish extending to the right.

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